

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHAUN RIGNEY,

Plaintiff,

V.

CAROLYN W. COLVIN,

Defendant.

CASE NO. C16-5132JLR

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the court on the report and recommendation of United States Magistrate Karen L. Strombom (R&R (Dkt. # 18)) and Plaintiff Shaun Rigney's objections thereto (Obj. (Dkt. # 19)). Having reviewed all of the foregoing, along with all other relevant documents and the governing law, the court ADOPTS the report and recommendation, AFFIRMS Defendant Commissioner Carolyn W. Colvin's final decision, and DISMISSES this case with prejudice.

I. BACKGROUND

Mr. Rigney applied for and was denied disability insurance and supplemental security income ('SSI') benefits. (See Administrative Record ('AR') (Dkt. # 9) at 12.) After

1 his applications were denied, he requested a hearing before an ALJ. (*Id.*) The ALJ
2 conducted a hearing and found that Mr. Rigney was not disabled. (*See id.* at 12-22.) Mr.
3 Rigney sought review of that decision within the agency, and the appeals council denied
4 his request for review. (*See id.* at 1-6.) He then appealed to this court. (*See* Compl.
5 (Dkt. # 3).) Magistrate Judge Karen L. Strombom issued a report and recommendation,
6 in which she recommends that this court affirm the ALJ's decision and dismiss the case
7 with prejudice. (*See* R&R.)

II. STANDARD OF REVIEW

10 A district court has jurisdiction to review a magistrate judge's report and
11 recommendation on dispositive matters. *See* Fed. R. Civ. P. 72(b). "The district judge
12 must determine de novo any part of the magistrate judge's disposition that has been
13 properly objected to" *Id.* "A judge of the court may accept, reject, or modify, in whole or
14 in part, the findings or recommendations made by the magistrate judge" 28 U.S.C.
15 § 636(b)(1). The court reviews de novo those portions of the report and recommendation
16 to which specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d
17 1114, 1121 (9th Cir. 2003) (en banc).

III. DISCUSSION

19 Mr. Rigney argues that Magistrate Judge Strombom did not "sufficiently address
20 the errors committed by the Commissioner" in denying him benefits. (*See* Obj. at 1.)
21 Specifically, Mr. Rigney argues that the ALJ's reasons for discounting several medical
22 opinions were not sufficiently specific, repeating the arguments he made in his briefing to
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1 Magistrate Judge Strombom. (See Obj. at 1-3; Op. Br. (Dkt. # 13) at 2-9.) Magistrate
2 Judge Strombom found that the ALJ's reasons were sufficiently specific and supported by
3 substantial evidence. (See R&R at 4-6.) The court has examined the record and finds
4 Magistrate Judge Strombom's reasoning persuasive.¹

5 Mr. Rigney also argues that Magistrate Judge Strombom failed to address his
6 argument that the ALJ did not sufficiently identify which of his testimony was not
7 credible and what evidence undermined his complaints. (See Obj. at 4.) However,
8 Magistrate Judge Strombom explained how substantial evidence supported the ALJ's
9 reasons for discounting some of Mr. Rigney's testimony and electing not to incorporate
10 many of his complaints into the residual functional capacity. (See R&R at 7-9.) Again,
11 the court has examined the record and finds Magistrate Judge Strombom's reasoning
12 persuasive.

14 **IV. CONCLUSION**

15 For the foregoing reasons, the court hereby ORDERS as follows:

16 (1) The court ADOPTS the report and recommendation;
17 (2) The court AFFIRMS the Commissioner's final decision and DISMISSES
18 this case with prejudice; and

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21 ¹ Mr. Rigney also argues that Magistrate Judge Strombom's citations to several mental
22 status examinations that supported the ALJ's reasoning constituted improper *post hoc*
23 rationalization because the ALJ did not cite to those examinations. (See Obj. at 2-3.) However,
Magistrate Judge Strombom did not affirm the ALJ's decision for reasons not provided by the
ALJ; she simply identified further support in the record for the reasons that the ALJ provided.
(See R&R at 5-6.)

1 (3) The clerk shall direct copies of this Order to all counsel and to Judge
2 Strombom.

3 DATED this 27th day of October, 2016.

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7 JAMES L. ROBART
8 United States District Judge
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